

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6752

BILL NUMBER: SB 273

NOTE PREPARED: Jan 2, 2008

BILL AMENDED:

SUBJECT: Reimbursement of Jail Costs.

FIRST AUTHOR: Sen. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill provides that in all counties a person sentenced for certain felonies or misdemeanors shall pay for jail costs. (Current law provides that a court may order a person to pay jail costs if a county passes an ordinance requiring payment of jail costs.)

It requires each county legislative body to establish a nonreverting county prisoner reimbursement fund. (Current law requires a county legislative body to create a county prisoner reimbursement fund if the county has an ordinance requiring payment of jail costs.)

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary* - To the extent that an offender sentenced to a term of incarceration in a county jail would reimburse the county expenditures, county costs for incarceration could be reduced. The estimated annual reimbursement for all counties would range between \$121.9 M and \$178.7 M. However, the total amount of cost reimbursement may be diminished by the costs involved in pursuing judgements against offenders who fail to pay the per diem and for other circumstances where an offender is unable to pay (death or walkaway, for example).

Background: The bill provides that during sentencing, the court would require felony and misdemeanor

offenders to pay for each day that a person is lawfully detained in a county jail. The offender would pay the lesser of the average daily cost of housing a person in the county jail as determined by the county fiscal body, or \$30 or \$50 a day depending on the population size of the county. (The \$50 minimum would apply to Ohio County only). Each county would establish a county prisoner reimbursement fund to receive the money collected. Upon appropriation by the county fiscal body, the money in the fund would be used to operate, construct, repair, remodel, enlarge, and equip a county jail or juvenile detention center, or to pay the costs of care, maintenance, and housing of prisoners.

The bill would make offender reimbursement a requirement rather than an option and remove current law requirements that a county adopt an ordinance to receive the reimbursement. Also, the bill would reduce the minimum amount of time an offender must be incarcerated from 72 hours to 6 hours for reimbursement to be assessed, and it removes a financial test limiting assessment of reimbursement from a member of a family that makes less than 150% of the federal income poverty level.

Estimating Reimbursement: A one-day snapshot of the jail population provides information about the 2006 total capacity of each county jail and the number of inmates in the facility. The following method was used to determine the annual number of beds for which a county may receive reimbursement from an offender under the bill.

Total number of inmates	–	Offenders already reimbursed by the Department of Correction or the federal government.	*	\$30 or \$50 (minimum) or \$44(maximum)	*	365
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This analysis assumes that the number and composition of the county jail inmate population does not change. The minimum amount that may be assessed for counties with population greater than 6,000 is \$30, while counties with population less than 6,000 (Ohio County) would, at minimum, charge \$50. The Indiana Sheriff's Association has estimated the daily cost to house a prisoner in a county jail is approximately \$44, which is used in this example for the upper boundary of potential average daily cost.

Below are the results for all counties and on average for each county.

	Minimum	Maximum
Total Reimbursement All Counties	\$121,873,500	\$178,747,800
Average County Reimbursement	\$1,310,468	\$1,922,019

Excluding Ohio and Switzerland Counties that had no inmates in the report, the minimum reimbursement ranges from \$21,900 in Crawford County to \$19 M in Marion County. The maximum reimbursement ranges from \$31,120 in Crawford County to \$28 M in Marion County.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Counties.

Information Sources: Indiana Sheriff's Association; Department of Correction, *Annual Jail Snapshot, January-December 2006*.

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